

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.602 OF 2016
IN
FIRST APPEAL St.NO.4208 OF 2016**

Popat Shankar Gharge

..Applicant

Vs.

Jagdeep Chandrakant Gharge

..Respondent

**Mr. Vinod Sangvikar i/b Mr. Umesh Mankapure for the Applicant
Mr. Chetan Patil for the Respondent No.1**

CORAM : R. M. SAVANT, J.

DATE : 1st JULY, 2016

P.C.

1 The above Civil Application has been filed for condonation of delay of 173 days in filing the above First Appeal. The reasons for the same are mentioned in paragraph 5 of the above Civil Application. The sum and substance of the reasons is that the Applicant was wrongly prosecuting the First Appeal in the District Court Sangli and it is after the Appeal was returned that the instant First Appeal came to be filed.

2 The Learned Counsel appearing on behalf of the Respondent Mr. Patil would seek to draw this court's attention to the fact that the First Appeal filed by the Applicant before the District Court was also delayed, as also after the First Appeal was returned by the District Court there is a delay of 1 month in filing the above First Appeal which delay according to the Learned Counsel

is not explained.

3 In my view, having regard to the fact that the Applicant had already filed an application for condonation of delay which he was prosecuting in the District Court when the Appeal was returned, in my view, it would be just and proper to grant an opportunity to the Applicant to prosecute the above First Appeal in this court. The Civil Application is accordingly allowed, resultantly the delay of 173 in filing the above First Appeal stands condoned. The Applicant to pay costs of Rs.2000/- to the Respondent within two weeks from date. List the above First Appeal for admission on 22-7-2016.

4 The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]